

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

SHELDON OWENS,

Civil No. 13-0684 (JRT/AJB)

Plaintiff,

v.

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

US BANK CORPORATION,

Defendant.

Sheldon Owens, 1918 Park Avenue, Minneapolis, MN 55404, plaintiff *pro se*.

Michelle Kreidler Dove and Jonathan Norrie, **BASSFORD REMELE, PA**, 33 South Sixth Street, Suite 3800, Minneapolis, MN 55402, for defendant.

The above-entitled matter came before the Court upon the Report and Recommendation of the United States Magistrate Judge Arthur J. Boylan. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, and all the files, records and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Defendant U.S. Bank Corporation's Motion for Dismissal with prejudice and for Attorneys' Fees and Costs [Docket No. 4] is **granted in part and denied in part** as further stated herein;

2. Defendant U.S. Bank Corporation's motion for dismissal pursuant to Fed. R. Civ. P. 12(b)(6) is **granted** and the complaint is hereby **dismissed without prejudice**; and

3. Defendant U.S. Bank Corporation's motion for fees and costs is **granted in part and denied in part** as provided herein. Defendant is awarded the \$350 filing fee incurred in removing this case to federal court. Assessment of the \$350 fee award is **stayed**, though such stay will be lifted, and payment of the award will be required, before plaintiff may proceed on any subsequent action against defendant U.S. Bank, based upon any mortgage account or banking relationship existing between the parties prior to the date of commencement of this case.

LET JUDGMENT BE ENTERED ACCORDINGLY

DATED: July 3, 2013
at Minneapolis, Minnesota

s/John R. Tunheim
JOHN R. TUNHEIM
United States District Judge